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33d CONGRESS, 1st Session. [HO. OF REPS.] MISCELLANEOUS, No. 22.

FREE NAVIGATION OF THE AMAZON RIVER.

MEMORIAL

OF

LIEUTENANT MAURY,

IN BEHALF OF

The Memphis Convention in favor of the free navigation of the Amazon river.

MARCH 3, 1854.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

The memorial of the Memphis Convention of June, 1853, to the Congress of the United States,

RESPECTFULLY SHOWETH:

That on the 7th day of June, 1853, the people of many States of the Union assembled, in the persons of their representatives, at the city of Memphis, in the State of Tennessee, for the purpose of interchanging views and of taking counsel together, touching certain matters of public concern.

This convention was composed of a large number of respectable citizens; many of them men of great distinction in their communities, and some of them men eminent among the statesmen of the republic; and all of them being fresh from the people, uttering the popular sentiments and giving expression to popular wishes.

Among the resolutions adopted by this convention are the following:

"1. *Resolved*, That the free navigation of the Amazon is one of the most important questions of the age, and its accomplishment worthy of the best efforts of American statesmen.

"2. *Resolved*, That the naval expedition sent by the government to explore the Amazon, was an act worthy of the enlightened government of a free people; and this convention hails with delight the enlarged and liberal views recently taken by our sister republics of the south with regard to the Amazonian water-courses. The free navigation of the Amazon is theirs; they are right to claim it; let them go ahead, and fear not.

"3. *Resolved*, That the interests of commerce, the cause of civilization, and the mandates of high Heaven, require the Atlantic slopes of South America to be *subdued and replenished*. That the river steamer and the free navigation of the Amazon are the principal levers by which that

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part of the world is to be raised up to the abode of a great, prosperous, and happy people. That, impressed with the importance of such a consummation, not only to this country and all the States of Christendom, but to the happy solution of the great problem of human progress through the world, therefore we, the people of the Mississippi valley, and of the Atlantic slopes of North America, represented in the convention, think fit to declare that, in our judgment, the free navigation of the Amazon is the greatest boon that a commercial people can claim of the diplomacy of the age; that we would be glad to see such a boon obtained, peaceably, at any price that it becomes a great nation to offer.

"4. *Resolved*, That ——— be appointed to invite, in the name of this convention, the attention of the government to this subject, and to urge the importance of procuring the free navigation of the Amazon, and of opening commercial relations by steam and otherwise, with the mouth of the river, and through it with the people inhabiting the banks of its tributaries.

"The blank in the 4th resolution was filled with the name of Lieutenant Maury, by a *unanimous* vote of the convention."—*Journal of proceedings.*

The Amazon is the largest river in the world; and the great hydrographic basin which includes it and its tributaries is unsurpassed for fertility; nor is there anywhere on the surface of the earth a region of country, of like extent, which can compete with this in capacity of production, or vie with it as to the variety, extent, or wealth of its mineral resources. It teems with animal life; its soil is most prolific; and the display of riches in its vegetable kingdom is truly magnificent.

The tributaries of the Amazon inosculate with those of the Rio de la Plata at the south, and unite with those of the Oronoco at the north. The Casquiari connects, by a natural canal, the waters of the Oronoco with those of the Amazon; and Count Castelnau saw the head streams of the Amazon and those of the Rio de la Plata running through and watering the same gentleman's garden in Brazil.

The country drained by these rivers extends from the parallel of ten degrees of north latitude to that of thirty-six degrees of south latitude.

In its Atlantic slopes, intertropical and extratropical, it therefore embraces all the climates, and includes all the varieties of production, that are to be found within the range of forty-six degrees of latitude.

Again, the country drained by these rivers extends from the meridian of 34° to that of 80° of west longitude, another 46°.

From the sea-shore, under the line, to the region of perpetual snow, on the mountains, it therefore embraces all the climates that are spread out over the plains that lie between the equator and the poles, but which we have here condensed, crumpled up, and brought within the compass of forty-six degrees of longitude, when measured at the equator.

From the head of navigation on the waters of the Amazon to the head of navigation on the waters of the Rio de la Plata, the natural canalization to connect the two is so nearly completed that only three leagues of artificial canal, it is said by explorers, are wanting to pass the vessels of one river into the other.

Settlement would accomplish this among its first achievements, and

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thus turn that Mississippi river of the southern hemisphere upside down, and bring the mouth of the Rio de la Plata from the parallel of 36° south, and place it, for all the practical purposes of commerce, under the line, whence its wealth will be poured into our lap with that of the Amazon.

The great commercial marts of the world and the centres of trade in all ages have been, and will ever be, in the northern hemisphere.

Four-fifths of all the dry land are in it. It is the seat of human knowledge—of wealth, civilization, and enterprise. The shipping of the world belongs to it, and the seamen are natives of it. And the beneficence of Providence has so arranged the seasons, that the seed-time of the northern hemisphere occurs when the fruits of the southern are just ripe for the harvest.

These are physical conditions which will forever compel the inhabitants of the southern hemisphere to look north, as they do now, for their chief market places.

Produce as it descends the La Plata goes south; consequently, every mile it travels in that direction is a mile the farther from market, and when it reaches the mouth of the river it then has to turn about and come north again by sea, on its way to our northern markets; and after many days, it is only as far on its way as the mouth of the Amazon, which this canal of a span in length will, in the fulness of time, enable it to reach direct and by inland navigation.

Considering the valleys of these three rivers, the La Plata, the Amazon, and the Oronoco, as one great hydrographic basin, we have a region embracing the enormous area of not less than 2,900,000 square miles, affording an inland navigation of not less than 80,000 miles, through climates of much diversity, and upon soils of all the capacity and variety of production that are common to India. Such are the Atlantic slopes of South America.

The valleys of these rivers are for the most part a wilderness, and their channels unknown to steam.

The Amazon is the largest river in the world; tributaries flow into it from both hemispheres. The Mississippi is the largest river in the northern, and the Rio de la Plata the largest river wholly in the southern, hemisphere.

The following table shows, according to the best physical geographers, the area of the valleys that are drained by the principal rivers of the world:

	Area in square miles.
In the two Americas—Amazon	1,796,000
In North America—Mississippi	982,000
In South America—La Plata	886,000
Oronoco	252,000
In Europe—Danube	234,000
In Asia, (India)—Ganges	432,000
(China)—Yangtse-Kiang	547,000
In Africa—Nile	520,000

Truly, the contrast is striking.

The winds and currents of the sea are so ordered that all vessels trading under canvass, by sea, with the mouth of the Amazon, must,

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either going or coming, pass the offings of our southern seaport towns upon the Atlantic.

The currents sweep by the mouth of that river into the Caribbean sea, on their way to feed the Gulf Stream; and the drift-wood which it brings down from the slopes of the Andes, meets in the Florida pass that which our own Mississippi may have brought down from the Rocky mountains.

The trade-winds of the Atlantic blow home upon the Amazon, and render an east course for a sailing-vessel coming out at its mouth impracticable.

If she be bound to Europe or Africa—if her destination be around Cape Horn to California, or the Cape of Good Hope to India, or to Australia, or even to Rio de Janeiro—in every case, her course, on coming out of the Amazon, is first to the northward and westward, until she reaches the parallels of our southern coast.

Returning, she may steer direct for the river; but going, her track, as far as 20° or 30° of north latitude, is one and the same, whatever be her ultimate destination among the places above named.

On the contrary, if, after coming out of the mouth of the Amazon, she be bound anywhere into the Caribbean sea or the Gulf of Mexico, the winds and currents are both favorable for a direct course; but, on her return, they are such as to compel her to pass out by the way of the Tortugas, with the Gulf Stream; whereas, from all the Atlantic seaport towns of the United States, the winds are what are called "soldiers' winds;" that is, they are fair both ways—fair to come, and fair to go—and the passage is one of the most certain in the world. To and from New York, it is about three weeks under canvass, on the average, each way.

Thus it appears that the commercial outlet to the great Amazonian water-shed is nearer, under canvass, to the commercial emporium and other Atlantic marts of the country than is the mouth of our own Mississippi to New York; and that the highway or route between that Amazonian outlet and all the rest of the world passes almost in sight of our own doors.

These circumstances invest the valley of the Amazon—its settlement, its commercial resources and their development, the free navigation of its waters, and all that pertains to it—with features that are very engaging to the true spirit of enterprise.

The people of this country contemplate with especial and lively interest all that concerns the speedy settlement and future well-being of the beautiful Atlantic slopes of South America. They see in the future of those river basins the wealth of India and the productions of the East brought to their own doors, and spread out in the commercial lap of the ocean, where the winds and the currents and geographical position all conspire to make dominant American trade. They perceive that the settlement of the Atlantic slopes of South America, and the cultivation of its fields, and the navigation of its rivers, would lift India up, as it were, with all its productions and capabilities, and set it down here in this Amazonian water-shed, before our own doors, and so bring it within four weeks' (instead of four months') easy sail of our seaport towns. Commerce, they know, is the great civilizer, and has been a

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great characterizer of the earth. Commerce is their *King*, and to commerce, carefully fostered and wisely encouraged, they look for the accomplishment of those vast achievements upon the Amazon and along the Atlantic slopes of South America which is to invest that country with all the fabled wealth of the Indies.

As one of the measures, therefore, required to foster trade, encourage intercourse, and facilitate communication with those great South American water-sheds, the convention considered the establishment of a line of mail steamers between some southern port and the mouth of the Amazon highly necessary.

This is a matter of great importance.

The navigation of the Rio de la Plata has been thrown open to the world. American citizens are beginning to turn their attention there; and river steamers under the American flag have already taken their departure from our own shores for the navigation of that mighty river and its tributaries.

The government, with a promptitude most commendable, has despatched a steam vessel of the navy for an exploration of those waters. By the last accounts she had reached the city of Ascencion, the capital of Paraguay, which is farther from the mouth of the Rio de la Plata than St. Louis is from that of the Mississippi; yet throughout this immense distance she found the Mississippi of the other hemisphere with nowhere less than twenty feet of water in the channel-way. She encountered neither sawyer nor snag, nor was her voyage interrupted by a bar or shoal which would obstruct any vessel drawing less than twenty feet. The people, too, on the river-side hailed her as a messenger of commerce, the forerunner of increased prosperity to their several countries.

It is understood that men are waiting, and the capital is ready, to make ventures in that river basin so soon as the results of the explorations made there by Lieutenant Page and others shall be made known.

But the present mail communication between that part of the world and this, is by the way of England.

The present amount of American commerce with the Rio de la Plata, and the countries bordering upon it, is considerable. It is destined to a vast increase.

The value of it with Rio de Janeiro, and other ports of Brazil, already reaches annually the amount of some fifteen or twenty millions of dollars. With the exception of England, France, and Cuba, there is no other country with which it is more valuable.

And yet, American merchants who are in that trade are compelled to send the letters for their Brazil correspondents three thousand miles across the ocean, to be mailed in an English post office, and sent thence by an English steamer. Returning, the reply retraces the same circuitous route, and the American citizen is left to send three thousand miles across the sea again to an English post office for his letters.

The practical effect of such mail facilities is to give the European merchant, in the South American markets, the advantage of some ten days or two weeks over his competitor from this country.

This is a great disadvantage to American merchants, and is likely

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to be more sensibly felt by them than ever, for commerce with that part of our continent is in a rapid state of development, and lines of steamers thence from Europe are multiplying.

The time from England to Rio is 30 days, but the distance from Rio to the United States is 250 miles less than it is from Rio to England.

There is now, and for several years has been, a line of Brazilian mail steamers running regularly, twice a month, between Rio and the mouth of the Amazon.

The mouth of the Amazon is just half way between Rio and Norfolk or Charleston; and it is so nearly on the wayside, that, by touching at the Amazon, the departure from the direct route would amount to less than one day's sail.

From any of our seaport towns on the Atlantic, the time, at the rate of the Collins steamers, would be about eight days.

The island of Puerto Rico is half way between Charleston and the Amazon, and to touch at that port would only require the steamers to turn thirty miles out of their way to and from the Amazon.

With the free use of Puerto Rico as a coaling station, the steamers on this line, without being larger than those which ply between Charleston and New York, would have nearly the same capacity for freight and passengers.

The steaming time of the Brazilian steamers from the Amazon to Rio is 14 days. Connecting with them at the Amazon, the line thence to the United States would bring the capital of that empire within 22 days of the United States. It is now not less than 40. Hence the Memphis convention attached no little importance to the establishment of a line of mail steamers from the United States to the mouth of the Amazon.

The Oronoco is navigated by river steamers, under the American flag; and the enterprise of American citizens is now directed to the valley of that river, for the purpose of enlarging the field of commerce, and especially with the view of bringing fresh supplies of India rubber into market.

Hitherto the chief source of the supply of this article has been from the banks of the Amazon. Alone of all the rivers of South America that noble stream and its tributaries are shut up against North American commerce and navigation.

To unlock that river, to open it to that commerce and navigation, with their influences, is the measure which the Memphis convention has so much at heart. It was one of the objects for which that convention was called, and it is the earnest prayer of this, the memorial of that most wise and patriotic assemblage.

Such a body of men as that which met together there, would scorn to put up a petition asking for anything that is wrong.

They believe the free navigation of the Amazon is an achievement which the relations of peace and friendship which so happily exist between this government and all the riparian States of this river are entirely competent to accomplish.

They believe that all that is wanted is light, and an announcement, in the name of the people of the United States, of the doctrine which in America should obtain, and which ought, by the everlasting principles of right, to obtain with regard to the navigation of rivers that flow

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in natural and navigable channels through the territories of more nations than one.

In order to set forth the grounds of this petition in their true light, to prevent misapprehension as to the doctrines maintained, and to do justice to the memorialists, the attention of your honorable bodies is invited to the present condition of the Amazon and its navigable tributaries, and to those principles of the international code that are applicable to the case in hand.

The Amazon, whether it be considered in respect to the volume of water discharged by it, or to the extent of its navigability, or the area of country drained by it, is the largest, the most majestic and mighty river in the world. The red man of the forests calls it the king of rivers.

The main stream itself is in the southern hemisphere, just the other side of the line, but its tributaries take their rise in both hemispheres; those on one side of the equator flowing to the south—those on the other to the north, until they reach the main stream and swell its tide.

The basins of its tributaries are so many steppes leading from the habitat of mosses and lichtens on the Andes, down to the pampas of the temperate, and the plains of the torrid, zone in the regions below.

The Mississippi runs south; at every turn it crosses new parallels of latitude. There is a change of climate for every parallel, and every climate enriches the commerce of the main stream with its own peculiar fruits.

Its tributaries drain the same parallels that the main stream drains, traverse the same climates that the main stream traverses. They therefore swell the amount, not the variety, of the agricultural products that the main stream bears on its bosom to the sea.

On the other hand, the Amazon runs east; and though the main stream itself may be said to cross no parallels, it descends from steppe to steppe, and traverses, as it descends from the mountains, climate after climate, and that, too, in such quick succession—for they are literally piled up, one above the other—that one is astonished rather at the variety than with the quantity of the many productions that delight upon its banks.

But its tributaries, unlike those of the Mississippi, which come from the east and the west, flow from the north and the south. They are innumerable; each one drains its own plateau, which, in the first place, has a soil and climate peculiar to itself and its elevation. On its way to the main stream it crosses parallels of latitude, and at each crossing there is a new climate and a virgin soil, which teems with the richest and rarest of fruits in great profusion.

With this physical arrangement and these double tides of climates, those of each tributary differing from the rest, and those of the main stream differing from all, the great Amazonian water-shed is endowed with capacities and capabilities for production and commerce such as the world has never yet seen realized, and to which there is on the face of this earth no parallel.

The main stream itself affords an uninterrupted navigation for vessels of the largest class from the sea to the foot of the Andes, a distance of more than 3,000 miles, while its tributaries, some of which are larger than our own Mississippi, branch off far away among the spurs of the

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mountains, and afford water for steamboat navigation to an unknown extent, and to places in unexplored regions of fabulous wealth.

Travellers in that country find themselves at a loss what most to admire—the brilliancy and variety of the animal, the wealth and profusion of the vegetable, or the riches and splendor of the mineral kingdom.

The fauna and the flora of those regions—for they are owned by many nations—so vie with the jewels there, the precious stones and metals, that each, when seen alone, is thought by the beholder to be more dazzling than either of the other two.

A few years ago the attention of the government was called to this river basin, and to the great want of reliable information touching its resources, its commercial capabilities and capacities, both present and prospective.

In obedience to the humane and enlightened spirit of the age, which calls upon science, commerce, and navigation, not upon arms, for conquests, an officer of the United States navy was despatched from Lima in 1850, with instructions to cross the Andes, and to descend the eastern slopes thereof until he should reach the waters of the Amazon. Embarking upon these, he was to descend to the sea, sounding the river by the way, gauging its capacities for present commerce, and calculating its capabilities for future trade.

That officer, Lieut. Wm. Lewis Herndon, United States navy, performed this service with honor to himself and credit to the country. He had not travelled 60 miles from the Pacific seaboard before he found the waters of the Amazon trickling and sparkling at his feet, and dancing away to the east with bits of moss on their bosom, to meet, perchance, in the Florida Pass, other silent little messengers, which the hands of sympathising friends might have cast upon the headwaters of the Missouri, with greetings to the water-nymphs of the lovely Morococha.

Such, physically, are the South American water-sheds, their position, and the machinery of the winds and currents of the sea, that the mouth of the Amazon is, in a commercial sense, almost as much within the limits of the Florida Pass as is that of the Mississippi itself.

The members of the convention knew this, and it was, therefore, impossible for them to view with indifference the present condition of the Amazonian water-shed.

Determined to observe the golden rule, they appealed to the behests of high Heaven, and based on its mandates this their petition for the adoption of that course of policy which will peacefully lead to the settlement and cultivation and civilization of that magnificent water-shed.

Lieutenant Herndon, in the solitude of those deserts, which was so profound that he could almost hear it in the awful stillness around, found no other means of descending that river but such as rafts, dug-outs, and other rude river craft afforded.

He was eleven months drifting down, and though his food was of the coarsest kind, and often scanty, he sounded the whole way, and ascertained that there was water enough to float the Pennsylvania (74) from the sea all the way up to the Andes.

The valuable and interesting report of this officer, while on that ser-

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vice, is before the public. He realized the picture that has been drawn as to the resources, capabilities, and capacities of that vast region.

The Amazon and its navigable tributaries wash the shores of five republics and one empire—the empire owning below, and at the mouth on both banks; the republics owning in part the main stream and most of its confluents.

These streams afford the only practical channel of communication between the Amazonian provinces of these republics and the sea. The Andes effectually cut off all commercial communication between them and the Pacific.

Peru has offered lands, seeds, and the implements of husbandry, with a free passage across the mountains, to any emigrant who will agree to cross over and settle in that country.

But when the emigrant, toil-worn and frosted by the way, reaches this wilderness of wealth, he finds himself in the condition of the sailor in his valley of diamonds. Transportation back over the mountains is simply an impossibility; and as for his descending that mighty river with the hard-earned fruits of honest, patient labor, the ordinances of Brazil deny him the privilege, contravening thereby the beneficent decree of the Great Lawgiver of the universe, which, wise men tell us, made the air, the sea, and running water, the common property of the whole world. Thus the Amazon is not only shut from commerce, but the nation holding its mouth shuts it out from all settlement and civilization.

For centuries it has been in the hands of the same catholic Christian people, and for centuries the policy of their rulers has been neither to use it themselves nor permit others to use it.

In the valley of the Amazon four crops of corn are produced in a year, and the harvest of many other fruits is perpetual.

It is computed that the territory which the policy of Brazil thus shuts up against man's use is capable of sustaining, even with one round of harvests, a population nearly as large as that which now inhabits the whole earth.

With the population of Belgium to the square mile, the valley of the Amazon would support 601,660,000 inhabitants.

The dry land was placed here by the Creator for man's use. The policy which shuts man out from it is an anomaly and a monstrosity. As for the laws of nations, and their application to the Amazon, that river presents a case altogether peculiar, strong, clear, and trumpet-tongued.

With the exception of the St. Lawrence, the Amazon is the only river in the world the navigation of which is denied to the riparian States by the nation commanding its outlet. And here the case is worse, because it is not only shut to commerce, but to civilization, and even to man's use.

Your memorialists believe that a declaration by the Congress of the United States as to the principles of right and justice, which in such a case ought to govern, would have the most wholesome influences as to a peaceful and happy settlement of this question.

It is eminently an American question, and as such the convention desire to hold it, and wish it to be treated

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When it was known that the government of the United States was planning Herndon's expedition to the Amazon, Brazil took alarm. The idle cry of conquest and annexation was raised, and, taking counsel from panic-stricken counsellors, two ministers, special and extraordinary, were despatched in haste from Rio to the riparian republics for the purpose of making treaties, the real object and end of which were to exclude the citizens of the United States from all participation in the navigation of that river.

Brazil owns, from its source to its mouth, the Tocantins, a river larger than our Mississippi. It has its sources among the hills in the rear of the capital of the country. It flows north through the richest provinces of the empire, and empties itself into the Amazon at its mouth. She owns other rivers also, which water many of the richest plantations, and, flowing north and south, empty either into the Amazon or the Rio de la Plata. Yet, notwithstanding that the steamboat had never been seen upon any of these streams, notwithstanding the fact which was patent to the world, that, as a nation, she lacked the ability, or her subjects the energy, to introduce the steamboat upon her own rivers, ministers, with powers plenipotentiary and extraordinary, are despatched in hot haste to the five Amazonian republics, with offers to introduce the river steamer of Brazil, a thing unknown, for them upon their Amazonian water-courses.

The rivers of New Grenada, that empty directly into the sea, are free. So are those of Venezuela; and lines of American steamers have been running up and down both the Magdalena and the Oronoco for years. The commerce of these rivers, under this enlightened and liberal policy, has been steadily on the increase. The effects of these steamboats upon the prosperity of the country are most wholesome; and the experiment of opening these rivers to steam and free navigation has been most satisfactory to each of these governments.

Yet in the face of these facts and circumstances, pieces were circulated through the public press of all South America, and efforts were made, under Brazilian auspices, to impress the minds of the people in those republics, that if the navigation of the Amazon were made free—if a way were opened up that river for the steamboat and the emigrant, for the settlement, civilization, and cultivation of that immense wilderness, the rapacious Anglo-Saxons of the north would despoil the owners there of their rightful possessions!

It is necessary, for a proper understanding of the question, to allude to these circumstances, to the tone of a portion of the public press of Brazil, and to publications which have taken place under Brazilian influence, both in Peru and elsewhere, upon this subject of Anglo-Saxon encroachment, or *Yankee rapacity*, as it is called.

As soon as Brazil got wind of the intention of the United States to send an officer to look into the Amazon country—and she got wind of it in 1849—she redoubled her energies upon the La Plata. She furnished the enemies of Rosas with contingents of men and money, and forced the navigation of the Rio de la Plata open with the bayonet.

Rosas controlled the mouth of this river as Brazil does that of the Amazon. But on the La Plata, Brazil was in the condition of the re-

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publics on the Amazon, owning only upper waters and navigable tributaries.

The battle of Monte Caseros terminated the war against Rosas. He was expelled the country, and the Rio de la Plata made free to the navigation of the world.

As soon as this battle was fought and won, and notwithstanding the precedent Brazil herself was about to set, touching the navigation of the La Plata, she despatched the Commander Duarte da Ponte in the character of envoy extraordinary and minister plenipotentiary to Peru and Bolivia, two of the five Amazonian republics, and the Commander Don Miguel Maria Lisboa, in like capacity, to Venezuela, New Grenada, and Ecuador, the other three.

The latter, after having tarried for two or three years in Venezuela and New Grenada on the objects of his mission, arrived last fall in Quito, and in presenting his credentials in October last (17th) to President Urbina, of Ecuador, thus alluded to the object of his mission:

"The various governments of South America have well known, and I trust your excellency also has been informed of the efforts made by his Majesty the Emperor of Brazil, my august sovereign, to secure the co-operation of the same governments in one of the *grandest enterprises that modern times have witnessed;* securing, at the same moment, on a solid and durable basis, the peace and cordial intelligence which are indispensable to enable the enterprise to reach a successful conclusion, without being stayed by the obstacles in its path, and to promote, along with material prosperity, those sentiments of good will between neighboring nations which should exist where so many common interests and so many bonds of natural sympathy exist.

"The high opinion South America entertains of the liberal policy of your excellency, and the progressive principles of your government, cause me to hope, with confidence, that the broad and generous policy of my august sovereign will be comprehended here as it has been in other republics, and that the special mission with which his Majesty the Emperor has thought fit to intrust me, and in the discharge of which I have the honor to deposite in your excellency's hands the imperial letter which accredits me in the quality of Minister Resident, will obtain a result satisfactory to Brazil, and compatible with the interests as well as the honor of both governments."

To which the President replied:

"In the firm and gratifying conviction that the broad and generous policy of your august sovereign rises to the height which the civilization of the present age points, and the evident interests of America so urgently demand—of this our America, so deficient in population, so deficient in circulating wealth, so deficient in that regenerating and enterprising spirit which in more fortunate countries has raised up, as if by enchantment, great and powerful cities, nay, even flourishing States, where, in other days, there reigned only the silence and desolation of uncultivated woods—it is gratifying to me to assure you that you will find me disposed to co-operate with the government of his imperial Majesty in the *great enterprise* to which you have alluded, and which, founded, as I do not doubt that it is, upon broadly liberal principles, is certainly destined to open a new sea of wealth, of power and pros-

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perity—a new and beautiful field of industry and hope, of union and fraternity, to all our sister nations.

* * * * * * * * *

"The selection of yourself, sir, for the realization of so flattering a project, and for the delicate and interesting task of establishing, upon a solid basis, the peace and cordial intelligence which happily unite Ecuador and Brazil, is a proof the more of the wisdom that guides every act of his imperial Majesty—a chance, too, upon which I congratulate myself, as it has afforded me an opportunity of knowing an American so distinguished as yourself—and a certain presage of the success that awaits your mission. In its discharge rely upon the eminently American and progressive spirit of the Ecuadorian government and people."

This clever Brazilian's "*grandest enterprise that modern times have witnessed*," is understood to refer to the effort by which his august sovereign has been, and is, making to seal up the Amazon, and to keep it shut forever against American commerce and navigation.

Ecuador, with consummate diplomatic skill, appeared to receive the oracular announcement understandingly. Putting their own interpretation upon it, her wise men read the "*grandest enterprise that modern times have witnessed*" to be the free navigation, to the whole world, of the Amazon and its tributaries, the settlement of its wilds, the cultivation of its forests, the civilization of its savages, the subduing and replenishing of its lands with people, tillage, commerce, and religion.

Wherefore, and in obedience to this *eminently progressive American spirit*, to which President Urbina so happily alludes, the Congress of Ecuador, yielding to the dictates of the most enlightened policy, forthwith declared the Amazonian waters of the republic free to all nations; and, by last accounts, Mr. Lisboa had left that court, having abandoned his mission, for the present at least.

The following is the law:

"*The Senate and House of Representatives of Eucador, in Congress assembled.*

"Whereas it is a necessary measure to open to foreign trade the Amazon and all the Ecuadorian rivers which flow into it; and whereas, in order to attract navigation and commerce, we should hold out some privileges and stimulants to immigrants intending to trade on the said rivers: Therefore we decree—

"1. That the rivers Chinchipes, Santiago, Morona, Pastasa, Tigre, Curaray, Naucuna, Napo, Putumayo, and other streams flowing into the Amazon, are declared of free navigation, including that part of the last named river which belongs to Ecuador.

"2. Vessels navigating the said rivers, to whatever nation they belong, will be free during twenty years from paying any kind of tax, and goods imported during the same time will also be admitted duty free.

"3. The public authorities of Napo, or of any other canton established now, or which may be established hereafter, are authorized to concede thirty *cuadras* of land to foreign or Ecuadorian families, on condition that this land be cultivated for the term of five years from the

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date thereof, under the penalty of forfeiting the same if this condition is not accomplished. A larger extent of land may be obtained, on the recipient giving a bond for payment twelve and a half years after, if a foreigner, and twenty-five years after if an Ecuadorian, &c.

"4. The present inhabitants of Napo, and along the other Ecuadorian rivers which flow into the Amazon, will have the same privileges as hereinbefore mentioned, the preference in the selection of the land being given to them, as well as a perfect and inalienable title to the possession of the land which they now occupy.

"Given in Quito, capital of the republic, the 26th of November, 1853.

"MANUEL BUSTAMENTE,
President of the Senate.
"NICOLAS ESPINOSA,
President of the House of Representatives.
"JOSE M. MESTANZA,
Secretary of the Senate.
"FRANCIS J. MONTALVO,
Secretary of the House of Representatives.

"Government House in Quito, capital of the republic, 26th of November, 1853.

"JOSE MARIA URBINA.
"MARCOS ESPINEL,
Minister of the Interior and Foreign Relations.

"Certified:
"CAMILO PONCE."

Here the poor man has a homestead bill already in force. The Chevalier da Ponte, however, was more fortunate, as it regards the object of his mission in Peru. On the 23d of October, 1851, he negotiated in Lima a treaty with that republic, which has been duly ratified. So much of it as relates to the prayer of the memorialist is quoted:

"*Treaty of fluvial commerce and navigation, and of boundary, between the Republic of Peru and the Empire of Brazil, signed in Lima the 23d of October*, 1851.

"ART. 1. The republic of Peru and his Majesty the Emperor of Brazil, desiring to encourage, respectively, the navigation of the river Amazon and its confluents by steamboats, which, by insuring the exportation of the immense products of those vast regions, may contribute to increase the number of the inhabitants, and to civilize the savage tribes, agree that the merchandise, produce and craft, passing from Peru to Brazil, or from Brazil to Peru, across the frontier of both States, shall be exempt from all duty, impost, or sale duty, (*alcabala*,) whatsoever, to which the same products are not subject in the territory where produced, to which they shall be wholly assimilated.

"ART. 2. The high contracting parties being aware of the great expense attending the establishment of steam navigation, and that it will not yield a profit during the first years to the shareholders of the

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company destined to navigate the Amazon from its mouth to the banks (littoral) in Peru, which should belong exclusively to the respective States, agree to give to the first company which shall be formed a sum of money during five years in aid of its operations, which sum shall not be less than twenty thousand dollars annually for each of the high contracting parties, either of whom may increase the said amount if it suit its particular interests, without the other party being thereby obliged to contribute in the same ratio.

"The conditions to which the shareholders are to be subject, in consideration of the advantages conceded to them, shall be declared in separate articles.

"The other conterminous States which, adopting the same principles, may desire to take part in the enterprise, upon the same conditions, shall likewise contribute a certain pecuniary quota to it.

"These articles to remain in force for six years, and during the negotiations for their continuance, or until one of the high contracting parties shall give notice of their cessation."

The following are the separate articles alluded to:

"*Separate articles.*

"For the better understanding of article 2d of the convention signed this day, the high contracting parties have further agreed to the following articles:

"ARTICLE I.

"The shareholders of the steam navigation company mentioned in the 2d article of the convention concluded this date, shall be bound to the following conditions:

"1st. The steamboats shall make three voyages the first year, four in the second, and at least six voyages in the third, fourth, and fifth. When, owing to circumstances arising from the great distance, obstruction of the river, making experiments connected with its navigation, want of combustibles or other weighty reasons, it may be impossible to make that number, the shareholders shall receive only five thousand dollars for every voyage that the boats make during the first two years, and three thousand dollars for every one made during the third, fourth, and fifth.

"2d. They shall carry, free of charge, the mail bags of the government and of the post office, and deliver them at the places on the banks as they pass along, until the end of the voyage.

"3d. They shall also convey every voyage, passage free, four civil, military, or ecclesiastical officers in the service of each government, the luggage of these persons in quantity equal to that of other passengers, and the packages that each government may in particular wish to send, provided they do not exceed two tons.

"4th. They shall be obliged to take on board the steamboats, or in tow, the troops, ammunition, and effects that the two governments may wish to send, receiving therefor an equitable remuneration; the amount of which shall be fixed as soon as it shall be ascertained by experience what is the necessary cost of performing that service.

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"5th. The company shall arrange with both governments touching the respective points on the river Amazon, or Marañon, to which the steamboats shall navigate, and concerning the ports at which they are to touch; and it shall be subject to the fiscal and police regulations, notwithstanding their being relieved from imposts of every kind.

"ARTICLE II.

"Each government shall grant to the company the propriety of one-fourth part of a league square, at the places in which it may be necessary to establish a depot for combustibles, at any point not belonging to private persons; but the title to the same shall be forfeited unless the conditions above mentioned be complied with during the five years. It shall be lawful for it to cut wood for fuel on unoccupied lands, and to open and work coal mines for its use.

"ARTICLE III.

"*The agents of the Imperial government, conjointly with those of the Peruvian government, duly authorized, shall treat with the company upon the terms mentioned in these articles.*

"The shareholders shall agree with said agents as to the manner and place of receiving the respective sums of money. Both governments shall take care, within their respective territories, that the conditions adjusted in this treaty be fulfilled.

"ARTICLE IV.

"The present separate articles shall have the same force and effect as if they had been inserted word for word in the convention signed this date."

From Lima the Chevalier, with his extraordinary powers, proceeded on his special mission to Bolivia.

By this time Lieutenant Herndon had passed through Peru on his voyage of exploration upon the Amazon. The presence of his expedition had created in that country the most lively interest with regard to the subject, and the public mind there regarded his mission as an evidence of an earnest desire on the part of the United States to see the navigation of that river opened.

Thus it was argued that those republics would have an outlet from their eastern provinces, which would afford ingress also for population and wealth.

The Brazilian Chevalier was met in his overtures by President Belzu with a decree establishing the freedom of the seas on the Bolivian waters of the Amazon, offering money and lands in large quantities as a prize to the master of the first steamer that should arrive in those waters from the sea.

The decree also invited all the world to come, settle, mine, and trade. It runs as follows:

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"REPUBLIC OF BOLIVIA.

"MINISTER OF STATE OF THE DEPARTMENT OF FOREIGN RELATIONS, PALACE OF THE SUPREME GOVERNMENT, IN LA PAZ, THE 27TH OF JANUARY, 1853, 44TH YEAR OF THE INDEPENDENCE, AND 4TH OF LIBERTY.

"*To the Prefect of the Department of* ———:

"SEÑOR PREFECTO: I have the pleasure of enclosing to you an authenticated copy of the supreme decree of this date, declaring free to the commerce of all nations the navigable rivers of this republic, and establishing as free ports the points which, on their shores, have appeared most advantageous.

"Finding it impossible ourselves to effect this navigation, owing to the thin population of the country, as also to its want of resources and industrial capacity, the government has deemed it more advantageous to intrust this great enterprise to the energy and competition of the great commercial nations of the world than to take it on its own shoulders by assuming a useless exclusiveness. By these means, the fruitful principle of the freedom of the seas applied to our rivers will be the most liberal and competent medium for promoting that constant, active, and enlightened action on which depend the whole civilization and future advancement of the vast and fertile districts of Chiquitos, Guarayos, Mojos, Yuracareés, and Canpolican.

"The vast Bolivian territories towards the eastern frontier of the republic, so clearly defined by the treaties of boundary between the crowns of Castile and Portugal, in 1750 and 1777, having been usurped for a long time, the occasion has arrived that Bolivia, awakening from the apathy with which she has viewed the great interests of her future, should make available her unquestionable right to these territories as well as to the navigation of her rivers.

"In this particular her interests correspond with those of the rest of mankind.

"If Bolivia, owing to her present situation, be not able to enter immediately into the enjoyment and exercise of this right of navigation, the European nations, the republic of the United States, and the other maritime powers, availing themselves of the right which is guarantied to them by this decree, will make it valuable to the republic, at the same time rendering useful the waters of its mighty rivers, which, until now, have been totally useless to mankind.

"Providence, in making them navigable and extending their course through fields so expanded and fertile, destined them for the common use of all nations.

"Thus the government understands it, and in consequence has wished to invite the whole world to this magnificent banquet of the productions of the soil, minerals, and the fruits of industry, as rare as precious, which these bountiful regions pledge to the labor and civilization of man.

"Do me the favor to publish this subjoined decree through every medium which may be at the command of the department.

"Dios guarde a V.—rubrica del Señor Presidente.

"RAFAEL BUSTILLO,

"*The Constitutional President of Bolivia, &c.*

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"Whereas, 1st, the eastern and western parts of the republic, enclosing vast territories of extraordinary fertility, intersected by navigable rivers flowing to the Amazon and to the La Plata, offer the most natural channels for the commerce, population, and civilization of these districts;

"Whereas, 2d, the navigation of these rivers is the most efficacious and certain means of developing the riches of this territory, by placing it in communication with the exterior, and applying to its waters the fruitful principle of free navigation, as useful to the interests of the republic as to those of the world;

"Whereas, 3d, by the law of nature and of nations, confirmed by the conventions of modern Europe, and applied in the New World to the navigation of the Mississippi, Bolivia, as owner of the Pilcomayo, of the tributaries and the greater part of the Madeira, of the left shore of the Itenes from its junction with the Saravé to its emptying into the Mamoré, of the western bank of the Paraguay to the Marco del I——, as far as 26 deg. 54 min. of south latitude, and of the greater part and the left shore of the Bermejo, has the right to navigate these rivers from the point in her territory in which they may be susceptible of it to the sea, without any power being able to arrogate to itself the exclusive sovereignty over the Amazon and La Plata;

"Whereas, 4th, this navigation cannot be effected without the necessary ports are afforded for trade;

"Therefore, be it decreed:

"Art. 1. The Bolivian government declares free to the commerce and mercantile navigation of all the nations of the globe the waters of the navigable rivers which, flowing through the territory of this nation, empty into the Amazon and Paraguay.

"Art. 2. The following are declared free ports, open to the traffic and navigation of all vessels of commerce, whatever may be their flag, destination, or tonnage:

"In the river Mamoré—Exaltacion, Trinidad, and Loreto.

"In the Beni—Renenavaque, Muchanis, and Magdalena.

"In the Piray—Cuatro, Ojos.

"In the Chaparé—Coni, and Chimoré, tributaries of the Mamoré, the points of Asunta, Coni, and Chimoré.

"In the rivers Mapiri and Coroico, tributaries of the Beni, the points of Guanay and Coroico.

"In the Pilcomayo—the port of Magriños, on the east coast of the Paraguay, La Bahia Negra, and the point of Borbon.

"In the Bermejo—the point situated in 21 degrees 30 minutes south latitude, at which embarked, in 1846, the national engineers Ondarza and Mujia.

"Art. 3. The vessels of war of friendly nations will also be permitted to visit these ports.

"Art. 4. The government of Bolivia, availing itself of the unquestionable rights which the nation has to navigate these rivers as far as the Atlantic, invites all the nations of the earth to navigate them, and promises—

1st. To donate in the Bolivian territory, for the purposes which the law allows, tracts of land from one league to twelve leagues square, to

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the individuals or companies who, sailing from the Atlantic, shall arrive at any one of the points declared to be ports of entry, and may wish to found near them agricultural or industrial establishments.

"2d. To guaranty the reward of ten thousand dollars ($10,000) to the first steamer which, through the La Plata or Amazon, may arrive at either of the above mentioned points.

"3d. To declare free the river exportation of the products of the earth, and of the national industry.

"4th. In due time there will be established and regulated at the above-mentioned points, where it may be necessary, custom-houses for the loading and unloading of merchandise, the government seeing that the charges for the use of these custom-houses may be as moderate as possible.

"5th. This decree will be submitted for the examination and approval of Congress on their next meeting.

"6th. The Minister of State, in the office of foreign relations, is charged with its fulfilment, by circulating it and communicating it to all whom it may concern.

"Given in the Palace of the Supreme Government, in the place of Ayacucho, 27th of January, 1853, 44th of independence, and 4th of liberty.

"MANUEL ISIDORO BELZU.
"RAFAEL BUSTILLO,
"*Minister of Foreign Relations.*

A certified copy: "AMARO ALVAREZ,
"*El Oficial Mayor.*"

In the mean time, ratifications of the treaty of October, 1851, between Peru and Brazil, had been duly exchanged; and no sooner had they been exchanged than Brazil proceeded, in the heat of her ill-advised hate, to violate it.

She contracted, in violation of section 3d of the separate articles, without consulting with Peru, with one of her own subjects, Ireneo Evangelista de Souza, to form the company and put the steamers on the Amazon, provided for in the 2d article of the treaty.

That article provided for the navigation of the Amazon and *its confluents* both in Brazil and Peru, and by a company with which each government was to make its own terms and agreements according to the treaty; and by the treaty the Peruvian flag had guarantied to it equal rights to steam navigation with the Brazilian in the waters of the Amazon.

But Brazil, in the Souza contract, guarantied to one of her own subjects the *exclusive* steamboat navigation on the Amazon for thirty years.

The treaty bound each of the high contracting parties to a contingent of not less than $20,000 per annum to the steamboat company for the navigation of the Amazon and its confluents, from their sources to the mouth, for six years.

But, by the contract, Brazil agreed with a company of her own creation for thirty years, and pledged all her contingent for a line of steamers between Pará and Barra, two of her own ports, with which she had the right, without treaty or convention of any sort, to establish such a communication; and it was not necessary to consult Peru or any other foreign power as to the exercise of this right.

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When these proceedings of Brazil became known, Peru conceded to this Brazilian company the right to trade with Nauta, her Amazonian port of entry, but asserted her right under the treaty to make her own agreement with that or any other company.

This right Brazil denied to Peru and claimed for herself; and she claimed likewise for her company the monopoly of steamboat navigation in Peru also.

Against any such exclusive concession to Brazil or one-sided interpretation of the treaty, the American minister in Lima, with that diligence and energy which characterize his official conduct in all matters concerning the interests of his country, protested as being inconsistent with the second article of the treaty of July, 1851, between the United States and Peru, which article guaranties to American citizens the right to "frequent with vessels all the coasts, ports, and *places* at which foreign commerce is or may be permitted."

That diplomatist claimed that this American treaty of July, 1851, was prior to that of October, 1851, between Brazil and Peru, and that, as no exception was made to the American treaty or any part of it, none of its provisions were set aside by this subsequent treaty with Brazil.

Great Britain took the same view with the United States, and also, through her minister in Lima, claimed the right for British subjects to visit Nauta, in Amazonian Peru, with their vessels.

These rights Peru admitted; and reminding Brazil of the rights both of the United States and Great Britain under existing treaties, issued the celebrated decree of April, 1853, which has given offence to Brazil, and to which her minister in Peru takes such strong exceptions. The articles of this decree which bear directly upon the question under consideration are as follows:

"ARTICLE 1. In accordance with the treaty concluded with the empire of Brazil on the 23d of October, 1851, navigation, trade, and commerce, on the part of Brazilian vessels and subjects, is allowed upon the waters of the Amazon, in all that part of its banks belonging to Peru as far as Nauta, at the mouth of the Ucayali.

"ART. 2. The subjects and citizens of other nations which have treaties with Peru, by virtue of which they may enjoy the rights of those of the most favored nation, or to whom those same rights, as regards commerce and navigation, in conformity with said treaties, may be communicable, shall, in case of obtaining entrance into the waters of the Amazon, enjoy upon the Peruvian shores the rights conceded to the vessels and subjects of Brazil by the foregoing article.

"ART. 3. To carry into effect the two preceding articles, and in agreement with them, the ports of Nauta and Loreto are declared open to foreign commerce.

"ART. 4. In conformity to the law of November 20, 1832, no import or export duties shall be paid in said free ports on merchandise or produce which may be introduced or taken thence. This, however, does not extend to dues merely municipal, which the people themselves may impose for objects of local utility.

"ART. 10. The governor general (resident in Loreto) is empowered to concede gratuitously to all, whether Peruvians or foreigners, who

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wish to establish themselves in those countries under the national rule, and in subordination to the laws and authorities, titles of possession to land, (in conformity with the law of November 21, 1832,) from two to forty *fanegadas*, in proportion to the means and ability of cultivation and number of individuals who may constitute the family of those who shall establish themselves. He will give an account of these concessions, so that the government may confirm them and expedite titles of proprietorship.

"ART. 11. The governors of the districts may make concessions of lands, from two to four fanegadas, informing the governor general, who shall also inform the government.

"ART. 12. Large grants of lands for founding colonies, towns, and estates will be made by the government gratuitously, but by means of agreements with contractors, in which the conditions of this colonization shall be established.

"ART. 13. All concessions of lands made to individuals or families, in conformity with articles 10 and 11, shall be void, if, at the end of eighteen months, no attempt has been made to cultivate or to build upon them.

"ART. 15. Over and above the reward which the law of November 17, 1849, concedes to vessels or contractors who may introduce colonists, the government binds itself to give to those who may come with destination to the lands or valleys of the Amazon and its tributaries in Peru, a passage to the place, implements of husbandry, and seeds—all gratuitous; for which purpose sufficient deposites shall be placed in the hands of the governor general at Loreto.

"ART. 16. A national vessel shall be detailed for the service of carrying those who (whether citizen-born or emigrant foreigners) may desire to establish themselves in those countries; and after being landed at Huanchaco, the prefect of libertad shall make provision for the transportation of the immigrants to said places, by the route of the Huallaga.

"ART. 17. In conformity with the law of November 21, 1832, the lands cultivated and houses built shall be exempt from all contributions, and shall enjoy the other privileges which the laws concede to the owners of uncleared lands.

"ART. 18. The new population shall pay no contribution for the space of twenty years; nor shall the Catholics pay obventional or parochial dues, the cures that shall be there established being at the expense of the State. The new population shall also be exempt from the impost on stamped paper, being permitted to use common paper for their petitions and contracts.

"ART. 21. It shall be permitted in the new settlements that the individuals who form them may unite themselves in municipal corporations, under the presidency of the governors of the respective districts or territories, for the purpose of making laws relative to the local administration, without giving the governors created by this decree any power to interfere with rights, of whatever nature, in respect to individual liberty; they only taking care for the preservation of public order and of the national authority, in conformity with the laws.

"ART. 22. Because this territory is a new establishment, and has no judicial authorities, it shall be permitted, for the administration of jus-

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tice, that the new settlers shall name their own judges, electing them in the form most convenient, until Congress shall legislate in relation to the administration of justice and municipal affairs."

But notwithstanding all this—notwithstanding that the Souza steamers under the Brazilian flag are in the actual enjoyment of the privilege of running to Nauta—that the navigation of the Amazon belongs by treaty to Peru as completely as it belongs to Brazil, the following notification on the part of Brazil has just appeared in our public prints:

"CONSULATE GENERAL OF THE BRAZILIAN EMPIRE,
"*New York, January* 13, 1854.

"It having been publicly announced that a company has been incorporated for the alleged specific objects of 'transporting passengers and freight between the ports of New York and the various ports on the river Amazon,' this consulate has been directed to give notice that no *foreign flag* is permitted to enter the said river Amazon.

"LUIS FREDERICO DE FIGANIERE,
"*Vice Consul, Acting Consul General of Brazil.*"

Thus it appears that the treaty with Peru is broken—completely broken—by Brazil.

Now it is not possible for Peru to build a steamer on the Amazon. There are no workshops there. The country is in the state of a wilderness; and the only way by which she or her citizens can get a steamer there—for the engine and boilers cannot be transported across the Andes—is by purchase or construction on the sea-shore, and the ascent of the Amazon. But here is an official announcement on the part of Brazil, warning all people that "*no* foreign flag is permitted to enter the said river Amazon."

And furthermore, recent advices inform us that Brazil has stationed armed cruisers at the passes of the Amazon to prevent any such entry.

Thus Brazil not only sets at naught treaties and her own imperial faith, but she does that at which the natural sense of justice, implanted in the bosoms of all right-minded men, revolts. She is using her armed cruisers and her naval forces to prevent her friendly and inoffensive neighbor from using the means which the Creator has given her for the peaceful development of her own resources, for subduing the wilderness, and replenishing her own fruitful lands.

"The injustice and mischief of the doctrine," says an American writer of high authority in matters of international law, "that nations have a right to use force for the express purpose of retarding the civilization and diminishing the prosperity of their inoffensive neighbors, are too revolting to allow such a right to be inserted in the international code."

And as showing still further the *quo animo* of Brazil in this matter, and the necessity of some action on the part of your honorable bodies in the premises, it may not be improper to remark, that notwithstanding Peru has secured the right to navigate the Amazon with steam, by special treaty, and the payment of a sum of money; notwithstanding that Brazil had, in violation of that treaty, granted to de Souza the exclusive navigation of the same waters by steam for thirty years; notwithstanding all this, and subsequent to it, her minister has been offering to

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pledge to Ecuador and New Grenada the same broken faith and plighted privilege, and the navigation of waters already traded off to other monopolists.

The fact is stated on good and sufficient authority that Mr. Lisboa has made a treaty with New Grenada similar to that of October, 1851, with Peru; which treaty, however, has not yet been ratified, according to recent advices, by the Grenadian Congress; and which treaty there is reason to hope that enlightened Congress will not ratify.

Great Britain is already moving in the matter of Amazonian navigation with Brazil, for Mr. Sulivan, the British chargé d'affaires near Peru, informs that government, in a communication addressed to it under date of October 25, 1853, concerning the rights of British subjects to trade with Nauta, on the Amazon, that her Majesty's minister in Rio de Janeiro had been instructed "to point out to the government of Brazil the benefit and advantage that would accrue by annulling every restriction and rescinding all the monopolies which affect the commerce of that river."

Thus the efforts of Brazil to combine with the other riparian States to close the Amazon and exclude all other commerce, navigation, and people from it, has only tended to complicate the question. In this state of things Peru has invited all the Amazonian States, except Bolivia, with whom she is at war, to a conference in Lima, with the view of placing the navigation of the Amazon upon a just and liberal footing.

The following is a translation of the circular letter of Mr. Tirado, the enlightened Peruvian Secretary of State, upon the subject:

Circular to the Ministers Plenipotentiary of Brazil, New Grenada, Ecuador, and Venezuela.

"LIMA, *July* 13, 1853.

"The attention of the world has been for some time fixing itself upon the navigation of the Amazon and its tributaries, and the populating of the shores of those rivers, and this is more especially spoken of as an object of high importance for civilization and commerce among the people of the United States of the North, as may be seen by the journals of that country.

"The valleys watered by the Amazon, and the system of river communications to which it serves as a base, present elements of immense riches; and if, as it is to be hoped, steam, commerce, and immigration are employed in exploring those vast regions, it may be said that a new world will be opened as a theatre for enjoyment, for the advancement of civilization, and for the efforts of industry.

"But whilst in foreign periodicals the attention of governments is awakened, that they may labor in the opening of the Amazon to the commerce of the world, the police of the river, and the regulations under which it should be navigated, belong of right to the people who dwell upon its banks. Five Spanish-American republics and the empire of Brazil are more or less directly comprised in the community of that right.

"This government, considering the requirements of the age, the exigencies of commerce and of the diplomacy of the world, as also the

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necessity of not opposing the providential destiny of those territories and rivers, believes that the most efficacious exploration of them, and the adoption of a commercial policy that may reconcile universal interests with the interests and rights of those who dwell upon their banks, are matters which these last cannot disregard.

"Wherefore—and it not being proper that other distant nations should occupy themselves rather than those immediately interested in a matter which will very soon be a most important object of South American policy, and of very immediate solution—this government has resolved to invite the interested governments, by means of their representatives, to treat of a matter of such transcendental interest and influence; and for this purpose I have the honor to direct myself to your excellency, as I do to the representatives of New Grenada, Ecuador, and Venezuela, that if it be judged expedient, you may submit to the knowledge of your government this initiative step, and may ask it to deliberate upon the question whether or not it is proper to give you instructions for the celebration of conferences, and a protocol to that effect.

"I have the honor of offering to your excellency, with this notice, the sentiments of high and distinguished consideration with which I subscribe myself,

"TIRADO."

Thus the matter stands at present.

This is eminently an American question—a question scarcely less interesting to the citizens of this country than it is to the people of the riparian States; and to the proceedings of this Congress, therefore, the people of the United States cannot look with indifference. Its object is to treat of the navigation, for all time to come, of the largest river, and the greatest extent of inland navigation, in the world; and should this Congress assemble, it is presumed that the government of this country will not manifest indifference as to its deliberations or proceedings.

But these republics, assembled in an Amazonian Congress, can do but little of themselves. The concurrence of Brazil is necessary to give effect to their resolves. They are weak—she is strong. They, on their part, are not prepared to force the mouth of the river, and Brazil, on hers, is using force to keep it shut. That that empire will concur in any liberal course of policy proposed by the republics with regard to the navigation of the rivers within her borders is not to be supposed.

Brazil exhausted the arts of diplomacy in her efforts to induce these republics to combine with her in closing up that river forever. She has protested to Peru for keeping the faith of treaty stipulations with England and the United States in the matter of their right to trade with Nauta, and wherever in Peru the most favored nation may be permitted with its vessels. Her policy for centuries has been to keep the Amazon closed; and since the five riparian republics would not league with her to keep it shut, it is not likely that she will unite with them to throw it open.

Happily for the rights of humanity, the interests of commerce, and the advancement of civilization, the importance of this great question is rightly understood by three at least of the riparian States, viz: Bolivia, Ecuador, and Peru. They have, by their decrees already quoted—

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that by Bolivia of January, 1853; that by Peru of April, 1853; and that by Ecuador of November, 1853—given or established rights and privileges on the Amazon, not only to the citizens of the United States, but to the people of the whole world.

They have established the freedom of the seas upon their navigable tributaries of the Amazon. They have invited the world to come and use these waters—to settle upon their banks—to subdue the wilderness there, and replenish the solitary places—to make those lovely countries their homes, and to enjoy perfect freedom of trade for all time.

Here is a boon to the world; therefore, neither Brazil nor any other nation has the right to oppose that world in the enjoyment of a common good, nor to throw herself in the way of civilization nor of human progress, nor to adopt any policy adverse to the rights of man.

By these decrees, and the enlightened course of policy which dictated them, the riparian republics have removed the navigation of the Amazon from the condition of a diplomatic question with Brazil, and placed it in the category of a great international question, to be decided and settled, regulated and adjusted, not according to the selfish policy of any government, but according to the enlightened principles which sanctify, give strength to, and make binding the law of nations.

These decrees have, to all intents and purposes, converted the navigable tributaries of the Amazonian republics into arms of the high seas. Bolivia not only gives all friendly nations the right to navigate these waters for the purposes of commerce, but she gives them the right to send there their men-of-war also. And all the republics offer homes to the immigrant. He is invited to come, and is promised a homestead in fee simple if he will come. The homestead bill has been enacted there upon a grand scale, for whoever will come is to be supplied gratis with land, seeds, and farming utensils. The Congress of Peru has voted half a million of dollars, to encourage settlement and cultivation upon the Amazon.

This masterly, humane, and wise action, on the part of these republics, has changed, in the international eye of the law, the character of the Amazon, as it flows through the territory of Brazil, and has converted it from a river into a strait, connecting arms—free navigable arms—of the sea with the main ocean. And no nation, even though she own both shores of such a strait, can have the right to shut it up against the world as a common highway. Such is the doctrine of the international code.

"Straits," says Wheaton, "are passages communicating from one sea to another. If the navigation of the two seas thus connected is free, the navigation of the channel by which they are connected ought also to be free. Even if such strait be bounded, on both sides, by the territory of the same sovereign, and is at the same time so narrow as to be commanded by cannon-shot from both shores, the exclusive territorial jurisdiction of that sovereign is controlled by the right of other nations to communicate with the seas thus connected. Such right may, however, be modified by special compact, adopting those regulations which are indispensably necessary to the security of the State whose interior's waters thus form the channel of communication between different seas, the navigation of which is free to other nations. Thus the

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passage of the strait may remain free to the private merchant-vessels of those nations having a right to navigate the seas it connects, whilst it is shut to all foreign armed ships in time of peace.

"So long as the shores of the Black sea were exclusively possessed by Turkey, that sea might, with propriety, be considered a *mare clausum;* and there seems no reason to question the right of the Ottoman Porte to exclude other nations from navigating the passage which connects it with the Mediterranean—both shores of this passage being at the same time portions of the Turkish territory; but since the territorial acquisitions made by Russia, and the commercial establishments formed by her on the shores of the Euxine, both that empire and other maritime powers have become entitled to participate in the commerce of the Black sea, and consequently to the free navigation of the Dardanelles and the Bosphorus. This right was expressly recognised by the seventh article of the treaty of Adrianople, concluded, in 1829, between Russia and the Porte, both as to Russian vessels and those of other European States in amity with Turkey."—*Wheaton's Elements of International Law, page* 229.

The international code, though it affords cases which rest upon the principles involved in this question of the Amazon, yet it affords no cases precisely similar and parallel to it.

In the first place, there is no other river in the world like the Amazon. The treaties of Vienna respecting the great European rivers, and by which the navigation of the Rhine, &c., was declared to be entirely free throughout its whole course, included no case so broad, so comprehensive, and so strongly urgent, as is this of the Amazon.

In the next place, the European rivers simply involved questions purely of commercial convenience; whereas the Amazon not only involves these, but actually includes questions of civilization, of settlement, and of the use of vacant lands, which their proprietors have offered in fee-simple to the laboring men of whatever tongue.

The valley of the Rhine was already peopled and subdued to cultivation; and, in case the people on its upper waters were barred out through it from the sea, the features of the country were not such as to cut them off from all commercial intercourse with the rest of the world.

Now, all commercial intercourse between the rest of the world and the Atlantic slopes of those three republics is cut off from the Pacific by the Andes, and there is no other channel to the high seas left except that by way of the Amazon.

In the case of the great European rivers, the question, as already stated, was chiefly one of commercial convenience and facility of communication; but with the republics of the Amazon it is not only a question of commercial convenience, but a question also of national well-being—of commercial *necessity*—a question of cultivation and settlement, of immigration, of civilization, and it is even a question of humanity; for, unless the Amazon be opened to those republics, their territories bordering upon it must forever remain a wilderness, and the people who dwell there must ever be stinted in their enjoyment of the blessings of civilization and refined culture.

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If the Mediterranean were shut up—if the nations bordering upon it were denied access, through the Straits of Gibraltar, to and from the great common highway of all nations—then, and in that contingency, we should have, in a commercial sense, a case precisely similar to that of the Amazon.

The Mediterranean powers (that sea being closed) would, we will suppose, do as the three riparian republics of the Amazon have done, viz: proclaim, each for its own ports and waters, the freedom of the seas, and invite all nations to come and trade with them. Would the nation commanding the Straits of Gibraltar have the right to do what Brazil has done, less than one month ago, touching this great South American strait, viz: proclaim to the world that no foreign flag should enter there?

Wheaton is very clear upon this point. Let him answer:

"As to straits and sounds," says he, "bounded on both sides by the territory of the same State, so narrow as to be commanded by cannon-shot from both shores, and communicating from one sea to another, we have already seen that the territorial sovereignty may be limited by the right of other nations to navigate the seas thus connected. The *physical power* which the State bordering on both sides the sound or strait has, of appropriating its waters, and of excluding other nations from their use, is here encountered by the moral obstacle arising from the right of other nations to communicate with each other. If the straits of Gibraltar, for example, were bordered on both sides by the possessions of the same nation, and if they were sufficiently narrow to be commanded by cannon-shot from both shores, this passage would not be the less freely open to all nations, since the navigation both of the Atlantic ocean and of the Mediterranean sea is free to all. Thus, it has already been stated that the navigation of the Dardanelles and the Bosphorus, by which the Mediterranean and Black seas are connected together, is free to all nations, subject to those regulations which are indispensably necessary for the security of the Ottoman empire."—*Wheaton's Elements of International Law, p.* 240.

Now, Bolivia and Ecuador have both established the *freedom of the seas*—that is the term used by President Belzu—upon their Amazonian waters, as Russia did upon the Black sea, by her acquisitions along its shores, and as the Baltic powers did before her. These republics have made a free gift of their waters to commerce, as the nations of the Baltic and Black seas did; and they have brought the Amazon, in Brazil, exactly within the case so well put by this distinguished jurist.

The international code, like all others of human origin, requires occasional revision; for the principles which have been laid down in Europe with regard to seas, rivers, and other questions, have not always been either sanctioned or acquiesced in on this side of the water.

We have filed in the great international court our bill of exceptions to the European doctrine concerning blockades, the right of search, closed seas, and other points, as to which the grand inquest of the world at large—the people, not kings—have pronounced judgment; and their verdict is, WE ARE RIGHT.

Hence the stronger necessity and greater propriety in laying down

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now the international doctrine which ought to obtain with regard to the Amazon.

In 1821, Russia claimed the exclusive right of navigating the North Pacific ocean, upon the ground that she owned portions both of the Asiatic and American shores, which brought that ocean within the category of a closed sea.

This claim was contested *in limine*, and successfully resisted by the statesmen of America.

In like manner, the American doctrine with regard to navigable water-courses owned by two or more nations is well understood, for it has been often proclaimed touching our own Mississippi, as well as the St. Lawrence.

In each of these cases there were but two riparian States; but with regard to the Amazon there are no less than six. This complicates the question, and makes any special arrangement among them with regard to the navigation of that river very difficult, if not impossible. Two of the riparian republics are already at war, and, owing to this circumstance, one of them is excluded from the proposed Amazonian Congress. Inaction, the *statu quo*, the sealed river and closed strait, and unsubdued wilderness—these are what Brazil wants. And, therefore, after having exhausted argument, there is no way left for the adjustment of this question by the United States—and the United States ought to adjust it, for it is an American question—but that which the laws of nations suggest.

In such a case—in cases where the riparian States, desiring to confine the navigation of their own waters to their own citizens and subjects, cannot agree among themselves as to the terms and conditions, then, according to Puffendorf, the sovereign rights "are distributed according to the rules applicable to neighboring proprietors on a lake or river, supposing no compact has been made."

It would, therefore, appear that this government would have the right on its side, were it, without further ado, to yield to the entreaties of its citizens, and give safe conduct up and down the Amazon to those who desire to penetrate through it up into Peru, Bolivia, and Ecuador, with the river steamer, and to push their enterprise into these remote regions in search of that commerce and those important privileges which the liberality and laws of these governments guaranty to them.

Brazil has no treaty of commerce and navigation, or of amity and friendship, with this government; the quarter of a century has elapsed since the last one was made, and she has steadily, for the last fifteen or twenty years, refused to renew it. Therefore, if she be dealt with now strictly according to the law of nations in this matter of the Amazon, she could not rightfully complain.

But your memorialists love peace, and value exceedingly the relations of amity and friendship that have ever existed between this country and Brazil. They believe that there is virtue in forbearance, and therefore pray for such action only, on the part of your honorable bodies, as may secure the free navigation of the Amazon peaceably, and with the consent of Brazil: peaceably if we can—forcibly if we must.

To accomplish the former, it is only necessary, in the judgment of

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your memorialists, to lay down the doctrine which this nation holds upon this subject, and then to remind Brazil of the rights which American citizens have upon the headwaters of the Amazon; of the doctrine which we on this side of the equator have always held as to the navigation rights of riparian States; and to pass in review, for her edification, the relations of commerce, business, and friendship between the two countries, which it is not the wish of this country, and certainly not the interest of that, to disturb.

There are few countries, having friendly dealings with each other, between which commerce is more one-sided in its operations than is our commerce with Brazil. On one side it is all free trade, but on the other it is restrictive in the highest degree. Owing to the illiberal policy of Brazil, our commerce with her is carried on upon very unequal and disadvantageous terms.

Coffee, drugs, hides, and India-rubber, are the chief articles that are exported from Brazil and brought to this country, and this country is Brazil's best customer. We take about two-thirds of her whole coffee crop; we admit her coffee duty free; and also the other staples enumerated above are either on the free list, or are admitted at rates merely nominal.

On the other hand, the coffee which Brazil sells to us is first taxed with heavy excise duties, and the flour which she receives from us is saddled at her custom-house with enormous charges, thus greatly restricting the consumption of the one and keeping down the demand for the other.

We send to Brazil the manufactured article; she gives us in return the raw; yet so unequal is the trade, that the balance is largely against us. We have to send heavy remittances in bullion to pay for our purchases in her markets, and yet we have never threatened her with retaliatory duties.

The annals of commerce among friendly Christian nations may be challenged almost in vain for another case like this—a case where the nation supplying the elaborated article, and receiving in exchange raw produce, finds herself at such odds as to leave the balance, year after year, heavily against her.

Nevertheless, we are the friends of Brazil and her best customer, and it may be well for her to bear in mind the liberal policy and the marked degree of friendly consideration which this government has ever observed towards her people. A duty in this country of a few cents a pound on Brazilian coffee would touch a popular nerve in that, which would vibrate through every department of the empire, and convey its impressions to the throne itself. To provoke such retaliation would be a crime scarcely short of deliberate regicide on this continent.

As for the rights of riparian States to rivers that are owned in common, the doctrines held by the United States with regard to the navigation of the Mississippi, when both banks at its mouth were owned by France or Spain, are too well known to require repetition here. Suffice it to say that the American people were not only prepared to maintain that right by force, but they also insisted for a place of free deposite at its mouth—a place where they might load and unload, tranship and

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deposite, without any fees or charges whatever save those of wharfage and storage.

With regard to the St. Lawrence, the doctrine held by the United States was that the right of American citizens to use the waters of that river for floating their vessels to and from the sea, rested on the same ground and obvious necessity which had been urged to the Mississippi; that the treaties concluded at the Congress of Vienna, which stipulated that the navigation of the Rhine, the Moselle, the Meuse, and other great rivers of Europe, should be free to all nations, covered this ground; and, finally, that this claim, while its enjoyment was necessary to the development and prosperity of many States of this Union, was not injurious to Great Britain, nor could its exercise violate any of her just rights.*

This claim was resisted by the British government chiefly on the ground that the St. Lawrence was not navigable from the sea all the way up to the lakes; that there were connected with it portages, or artificial canals, leading through British territory; and that the right, if vested in a foreign nation, to use these in war, might prove inconvenient, if not injurious, &c. And, furthermore, it was held that the American government could not insist upon its claim unless we were prepared to concede to British subjects the rights of free navigation upon the Mississippi river.†

In reply to this, it was held that, so far as geographical knowledge then extended, the Mississippi and all of its tributaries laid wholly within the territory of the United States; that Great Britain had no more right than any other foreign nation to the navigation of this river. But, if further research and discovery should establish the fact that the waters of the Mississippi connect themselves with Upper Canada, as those of the St. Lawrence do with the United States, then, and in that case, the American government would be both willing to recognise and ready to concede the right of British subjects freely to navigate the Mississippi through such connexion from the lakes, or the land, to the sea ‡

With regard to the St. Lawrence, the American Executive advanced, among other arguments, the very doctrine that, in its comprehensive sense, now applies to the Amazon.

In the case of the St. Lawrence, two powers, and only two, were concerned in its navigation. Though each owned a portion of the great lakes, yet neither of them did as the upper riparian States of the Amazon have done, viz: convert those upper waters into inland seas, by declaring their navigation free, and inviting all the world to come, and each nation under its own flag, for traffic and trade.

Had the United States been the sole proprietor of the great lakes, and had it been thought proper to proclaim the freedom of the seas for these waters, and to make the navigation of them as free to all nations as is the navigation of the blue water of the deep sea, then the navigation of the St. Lawrence would have been a question in which the whole commercial world would have been equally interested with this

* Pub. Doc. No. 43, 1827-'8. † Cong. Doc. No. 43, 1827-'8.

‡ Mr. Clay to Mr. Gallatin, June, 1836.

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government. It would have represented the case of the Dardanelles after Russia became part owner of the Black sea, and the navigation of it was thrown open to the world. It would have been an exact type of the case presented with regard to the Amazon since the decrees of Bolivia, Peru, and Ecuador, which have made the running waters of it and its navigable tributaries as free to man's use as is the air we breathe, or the blue waters ploughed by American keels in the middle of the ocean.

But, as it is, principles broad enough to cover this case of the Amazon were laid down by American statesmen with regard to the St. Lawrence, when they maintained that if that river had been "regarded as a *strait* connecting navigable seas, as it ought properly to be, there would be less controversy. The principle on which the right to navigate straits depends, is, that they are accessorial to those seas which they unite, and the right of navigating which is not exclusive, but common to all nations—*the right to navigate the seas drawing after it that of passing the straits.*"

And this is the doctrine upon which the people represented in the Memphis convention, and who are again, in the persons of their representatives, about to assemble in the city of Charleston for the further consideration of this and other great questions, found their hopes. They believe it just, and desire to see it endorsed and to hear it proclaimed from the chambers of the Capitol.

If it be urged, in the case put by the United States, the waters contemplated were in the shape of great lakes, whereas, in the case of the Amazon, they are in the shape of rivers only, and that therefore the comparison cannot be fairly drawn: if it be urged that neither can comparison be drawn with regard to the Dardanelles and Black sea, because, in that case, it is a real strait and salt water that are concerned,—whereas, in this, it is really a river, and fresh water only: if it be urged that this government, not having dominion over any of these South American waters and their littorals, has, therefore, no right to interfere with Brazil in any policy she may choose to adopt with regard to the Amazon, its navigation, and riparian States,—the reply is both ready and plain.

Neither shape of water-way, nor the sweetness of its fountains, has anything to do with its free use by man. Lake Titicaca is salt. Lake Titicaca, its waters, and its shores, lay within the dominions of both Peru and Bolivia. Now, suppose it were connected with the headwaters of the Amazon through navigable channels, and that Peru and Bolivia were to proclaim the freedom of the seas for Lake Titicaca, as they have done for the water-courses of the Amazon, should we not have the case of the Black sea and the Baltic, with the sound and the Dardanelles, and their bitter waters, all repeated here upon the Amazon over again; and would not the great powers of the earth have the same right to interfere, with regard to the passage of their citizens and vessels through the Amazon, in Brazil, to Titicaca, in Peru, that they have had in the case of the sound and the Dardanelles; or that they would have in case Turkey or Denmark should attempt, arbitrarily, to close either the one or the other?

The Amazon presents a case in which the commercial nations have

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as much right to interfere as the riparian States themselves. It is a question of navigation, which is as broad as the sea; it is a question of commerce, of civilization, of human progress, advancement, and improvement, and never before did the free navigation of any river or strait present questions of such momentous concern to the whole human family.

Apply the principles of international law to this case, is the prayer of the memorialists. If, in obedience to these principles, the Amazon be opened to free navigation, then the capacity of the earth to sustain population becomes two-fold greater than it now is, or than, with that river closed, it can ever well be. It is a question and a prayer, therefore, which teaches the well-being of the whole human family.

Having thus endeavored to set forth the state of this important question, and to explain the views of your memorialists, and the grounds of their prayer with regard to it, the opinion is ventured that these enlightened decrees of the Amazonian republics have, to all intents and purposes, converted the Amazon itself, as it flows through Brazil, into a mere strait, and its upper waters also, to all intents and purposes, into arms of the sea. Those States have given to American citizens the same right to sail and steam up and down that river, from the sea to the riparian shores of Peru, Bolivia, and Ecuador, that they have to pass the sound in their commerce with the Baltic powers of Europe.

As to the mode of exercising this right upon the "king of rivers," the conditions upon which it is to be enjoyed, your memorialists desire that Brazil should be consulted, and that deference should be paid to her wishes, in so far that reasonable restrictions may, by mutual agreement, be placed upon it, as, without necessarily trammeling the exercise of it, may, nevertheless, secure her from any inconvenience or injury with regard to it.

But if Brazil should prove contumacious; if she should deny our rights, refuse to treat, and persist in her attempts to keep the waters of the Amazon shut up against man's free use, then, in the language of one of the most distinguished of America's jurisconsults, your memorialists would have her reminded that "mutual intercourse and a reciprocal interchange of benefits between the different nations which compose the great family of mankind, are ordained by Providence as essential to the moral well-being of the whole human race. Who, then, shall dare to oppose his will to the accomplishment of this divine law?"

And, as in duty bound, your memorialists will ever pray, &c.

M. F. MAURY,

Lieut. U. S. N., in behalf of the Memphis Convention.

FEBRUARY, 1854.

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